

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., and
T.D.,

Plaintiffs,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDS, a Utah
corporation,

Defendants.

NO. 04-2338 RSM

DECLARATION OF RANDALL
BORLAND

1. I am a member of The Church of Jesus Christ of Latter Day Saints. I was Bishop of the Kent 2nd Ward in Kent, WA, during the period May 1971 through August 1973. I make this Declaration based upon personal knowledge.

2. I have reviewed a portion of a document entitled "Plaintiff's Opposition to Motions for Summary Judgment" in which the writer asserts that I received two reports regarding Jack Loholt during my time as Bishop. This is not accurate.

DECLARATION OF RANDALL BORLAND - 1
No. 04-2338 RSM

GORDON MURRAY TILDEN LLP
1001 Fourth Avenue, Suite 4000
Seattle, WA 98154
Phone (206) 467-6477
Fax (206) 467-6292

1 3. I received only a single report regarding inappropriate conduct by Mr. Loholt
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3 during my time as Bishop. This came during a conversation with Richard Pettit, and it
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5 concerned his son's report that Loholt had touched him in some way that made him
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7 uncomfortable. Based on my own memory and existing church records, this conversation
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9 between Mr. Pettit and myself occurred in late January or early February 1972.
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11 4. I released Mr. Loholt from his volunteer position as Assistant Scout Master very
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13 shortly after the conversation with Mr. Pettit. According to a church record, this occurred on
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15 February 6, 1972. Attached as Exhibit 1 is a true and accurate copy of a historical record of the
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17 Kent 2nd Ward for 1972. My name is shown at the top. An entry for February 6, 1972, shows
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19 that on this day Jack Loholt was "rel", or released, from the position Assistant Scout Master. In
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21 church terminology, "released" has the same meaning as removed.
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23 5. Given that I released Mr. Loholt shortly after my conversation with Mr. Pettit, and
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25 that the release occurred February 6, 1972, my conversation with Mr. Pettit occurred no earlier
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27 than late January 1972. This was the only report regarding Mr. Loholt I received during my term
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29 as Bishop.
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31 6. I previously referred to this conversation with Mr. Pettit in my deposition
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33 testimony, albeit while respecting the clergy-penitent privilege and thus not naming Mr. Pettit or
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35 the details of the conversation. I understand that after the date of my deposition, Mr. Pettit
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37 himself testified to the conversation and thus I am now permitted to discuss it. However, until
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39 that occurred, I believed I was obligated to maintain the confidentiality of Mr. Pettit's disclosure,
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41 and I did so. Attached as Exhibit 2 is a true and accurate copy of a 1966 Church publication,
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43 ///
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1 *Counseling and Interviewing Guide for Bishops*, that specifically addresses at page 5 the
2
3 “necessity of keeping confidences on private matters.”
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5 **I declare under the laws of the State of Utah and of the United States that the**
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7 **foregoing is true and correct.**
8

9 Signed this 16 day of August, 2006.

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14 Randall Borland
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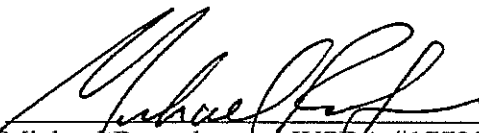
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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following. The parties will additionally be served in the manner indicated.

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By 
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HISTORICAL REPORT of the KENT 2nd WARD BENTON ST. CHURCH
 RANDALL K. HOLLAND President/Bishop
 Approved by [Signature] Clerk
 For the year ending December 31, 1972

CHANGES of OFFICERS, TEACHERS and BOARD MEMBERS

Mo/Day	Name of Person	Action	Position	Organization	Set Apart	
					Date	By Whom
1-2	Patsy Maren	Rel	Speech Dir.	Mutual		
"	"	Sust	Activity Couns	YMIA		
"	David Gibby	"	Expl. Ldr	YMIA		
1-9	John Neilsen	"	Speech Dir.	Mutual		
"	Sandra Neilsen	"	Music Dir.	"		
1-16	Florence Alder	Rel	Drama Dir.	"		
"	Mary Simons	"	Secy	YMIA		
"	Don Boren	"	2nd Asst	YMIA		
"	Lucky McGuire	Sust	S.S. Teacher	Sunday Sch.		
"	Keith Lassen	"	"	"		
"	Dianna McKinney	"	Secy	YMIA		
"	Don Boren	"	Exec. Secy	Ward		
"	Richard Pettit	"	2nd Asst	YMIA		
"	Sandra Neilsen	"	Music Dir.	Mutual	1-16	Arlo Young
"	John Allen Neilsen	"	Speech Dir.	"	"	Lawrence Smith
"	Guy Williams	"	Teacher	Sunday Sch.	"	"
"	Keith Lassen	"	"	"	"	Arlo Young
"	Norma Williams	"	"	Primary	"	"
1-23	Michael McCann	Rel	"	Sunday Sch	"	"
"	Leo Parkin	"	Instructor	Teachers Quor.		
"	Mary Edgelay	"	Den Mother	Primary		
"	Barbara Smith	"	Teacher	"		
"	Linda Isaaccks	"	Teacher	S.S.		
"	Tim Morris	Sust	Teacher	Aaronic Prsthood		
"	Leo Parkin	"	"	S.S.		
"	Barbara Smith	"	Den Mother	Primary		
"	Gail Cosand	"	Teacher	"		
1-30	Cathy Weir	Rel	Organist	Jr.S.S.& Prim.		
"	Phyllis Miller	"	Inst.	Jr. S.S.		
"	"	Sust	Sports Kir.	YMIA		
"	Alma Turner	"	Teacher	Primary		
2-6	Lloyd D. Berry	Rel	Stat.Wd Clark	Ward		
"	Jack LaHolt	"	Asst Sct Mstr	Mutual		
"	"	"	Deacons Q. Adv.	Ward		
"	Deanna Harker	"	Rra-Prim. Adv. Cd.	Prim.		
"	Lloyd D. Berry	Sust	Asst Sct Mstr	Mutual		
"	Jack D. Swain	"	Stat. Wd Clark	Ward		
"	Van Harker	"	Deacons Q. Adv.	"		
"	Dianne Harker	"	Asst to Prim. Pres.	Primary		
"	Cory Follock	"	Deacon	A.P.		
2-13	Donna Coleman	Rel	In Service Ldr	S.S.		
"	Jack Gaines	Sust	Priest	A.P.		
"	Owan Labrum	"	Asst. Grp. Ldr.	H.P. Group		
2-23	Cindy Young	"	Teacher	S.S.		
"	Karen Neilsen	"	"	"		
"	Jack Ladolt	"	Scout. Comm.	Mutual		
"	Max Beers	"	"	"		
"	Charles Anderson	"	"	"		
"	Van Harker	"	"	"		
"	Monte Carter	"	"	"		
"	Jack Gaines	"	"	"		
"	Blaine Hess	"	"	"		
"	Albert Cole	"	"	"		
"	Charles Cosand	"	"	"		
2-27	Mary Pelton	Rel	Teacher	Primary		
"	Pauline Keller	"	In Service Ldr	"		
"	Terry Johnson-Ken Kall	ar Sust	Committee	Prim. Cub Sets		
"	Lisa Gibby	"	In Service Ldr	Primary		
"	Edna Dwyer	"	Gleaner Rep.	YMIA		
"	Van Harker	"	Priest	A.P.		
3-5	Monna Berry	Rel	Scout	Jr. S.S.		
"	Keith Lassen	"	Teacher	S.S.		
"	Barbara Lassen	"	Age Grp. Couns.	YMIA		
3-11	Carolyn Lewis	Rel	Asst Sct	Primary		
"	Jack LaHolt	"	Lead	Scout. Comm.		

Counseling and Interviewing Guide For Bishops

*The Curia of the Archdiocese
of New York and New Jersey*



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Curia of the Archdiocese of
New York and New Jersey



Introduction

This booklet has been prepared as a guide to help ward bishops understand the scope of their responsibility in interviewing and counseling. Bishops are called with various occupational or professional experience, and since they receive no formal academic training for their positions, the thought of counseling and interviewing may seem particularly frightening or may be approached too casually.

By virtue of his calling, ordination, and setting apart, a bishop receives the mantle of authority and becomes a "judge in Israel." One of the great spiritual gifts is the gift of discernment. To an ordained bishop this gift has especial and peculiar significance.

The Lord instructs that in the ordination to the office of a bishop is to be found this spiritual gift: "And unto the bishop of the church, and unto such as God shall appoint and ordain to watch over the church and to be elders unto the church, are to have it given unto them to discern all those gifts lest there shall be any among you professing and yet be not of God. And it shall come to pass that he that asketh in Spirit shall receive in Spirit;" (Doctrine and Covenants 46:27-28). From this spiritual citation a bishop may find courage and hope; in his ordination was included the spiritual gift of discernment. If the bishop does not avail himself of this, he is simply defaulting in that which the Lord has given him by the laying on of hands.

Elder Spencer W. Kimball has said: "Some church leaders sometimes find situations when the trained psychiatrist is called in for assistance, and several doctors in that field have responded most generously. Numerous times the Church has been

Techniques for Effective Interviewing

Interviews present an ideal opportunity to teach the principles of the gospel appropriate to the individual, and it also provides an ideal opportunity to teach the sacredness of moral laws.

An interview can involve three purposes: first, fact finding or the securing of information; second, informing the person; and third, motivating one to pursue righteousness. The interview, when properly conducted, will have a profound influence for good upon the person's behavior.

1. Interest Basic to Success



The process of conducting a successful interview will basically depend upon the bishop's interest. A bishop who is sensitive to the varying needs of ward members and *who has given evidence of this* will be in an excellent position to have a basis for good interviews. Because interviewing is not an exact science, there are no rules requiring strict conformity. To help develop the art of interviewing, the suggestions in this booklet

urged by certain of its members to train bishops in these special fields to make them efficient in handling of the social problems confronting them, but this has not been done, the feeling being that if the bishop is in tune, he may get his help from above."

The Lord has prescribed that gross errors such as sexual sin shall be confessed to the bishop as a requirement of repentance. "By this ye may know if a man repenteth of his sins — behold he will confess them and forsake them." (Doctrine and Covenants 58:43). The bishop has a divine responsibility to hear problems, judge the seriousness thereof, chart the course of repentance, because he is ordained to represent God, the Master of both body and spirit, the Source of all truth. Church members should understand that by confessing shortcomings or sins to other persons, even though such persons are especially trained in human relations or human behavior and may sincerely desire to help, members are not discharged of their responsibility of confession to the bishop. Professional counseling is not a substitute for church discipline.

Much inspiration in counseling is gained when bishops have the confidence to say what the spirit directs them to say. We therefore encourage bishops to be bishops and, with the following suggestions, act with confidence in their calling.

THE PRESIDING BISHOPRIC

will assist in avoiding mistakes and in making time and effort more productive. Anyone who senses the bishop's interest and love for him will open up his heart proportionate to his trust of the bishop's true motives. Cleverness will seldom deceive, nor is it productive to attempt to intimidate. Avoid creating an atmosphere of an inquisition, and avoid dominating the interview. The immediate objective should be to help the person feel at ease and to open his heart in the shortest possible time. This is best accomplished by a friendly attitude that will give evidence that the bishop accepts, respects, and loves him. If this rapport exists, an act or deed can be dealt with, without giving the member a feeling of being rejected.

2. *Be Available*

Bishops have many administrative duties and responsibilities. Do not become so involved with these duties that little time is left for counseling and interviewing ward members. This is one of the prime responsibilities — to be the "watchman on the tower of Zion," to counsel, to teach, to advise, to encourage, to call to repentance, and to discipline. Sometimes, members are hesitant to take their problems to the bishop because they feel that he is too busy. Be available. Create an atmosphere which invites members to approach and confide in their bishop.

Even if the bishop verbally invites members to talk over their problems with him, they will hesitate doing so if he appears busy. Avoid the appearance of being too busy.

3. *Appointments*



The scheduling of interview appointments calls for some special consideration. The bishop may be tempted to call young people over to the meetinghouse in a group while he invites them one at a time into his office to ask three or four standard questions. Utilizing this procedure, he may soon discover that the first persons interviewed will alert the rest, and they will have prepared their answers in advance of the interview.

Time should be given to formulate key questions in an organized form. Think of two lists of questions, one general and the other of a specific nature. These questions should be developed only after analyzing the special interests of the person to be interviewed. Find out all you can about every person prior to the interview.

4. *Keep Confidences*

Bishops are to be ever conscious of the necessity of keeping confidences on private matters. *A breach of confidence can destroy testimonies and faith.* Such private and confidential matters should not be discussed with others, including counselors and wife,

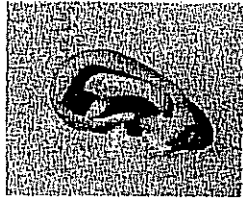
unless the consent of the person involved is received. An interview or confession to a bishop is called a "privilege communication" under the traditional English common law system and other modern law. The calling of a bishop imposes trust and confidence that must not be violated. The Scottish novelist and poet, George MacDonald, clearly stated this responsibility when he said: "To be trusted is a greater compliment than to be loved." Assure the member that what is discussed will be kept confidential, and make sure it is.

5. *Privacy*

Privacy is essential in order for anyone to open up his inner thoughts and concerns. An interview conducted where others can observe, even though they cannot hear, restricts free expression. To insure privacy and to preserve confidence are imperative for a successful interview. The inhibiting influence of other persons in the room seriously limits frankness and is not as conducive to mutual understanding as if the bishop were alone in a suitable place. Also, arrange chairs so that a desk does not separate the bishop from the member.

6. *Do not do all the talking . . . listen*

In conducting an interview the bishop should encourage the member to do the talk-



ing; *the bishop is to become the listener*. Do not be afraid of silence. Learn the art of good listening, thus giving each person a chance to express his feelings, and always give him an opportunity to qualify his answers. Control the interview without being domineering. Ask questions which will result in getting feelings out in the open and not in simple "yes" or "no" replies. Lead the discussion, but let the individual do most of the talking without letting him ramble aimlessly. Get all the facts; and as you close the interview, be cognizant of his casual remarks as he is preparing to leave. These remarks may give the real information you need. Since a boisterous, loud voice creates a breach, making a person feel inferior and inhibiting his expression, speak in soft, low tones as you conduct the interview. *Help the individual to arrive at decisions for which he feels responsible in order to increase the chance for change in the right direction.*

Specific Areas of Church Standards and Discipline

Having concerned ourselves very briefly with the techniques that surround effective interviewing, we now turn to some of the specific areas of church standards and discipline, wherein counseling and interviewing form an integral part.

1. Sexual Morality

One of the great sins of our generation is sexual promiscuity. There is no subject with which the bishop should be more concerned in counseling and interviewing ward members. As in other areas of counseling, the bishop must be specific. He cannot assume that the person being interviewed knows what he is talking about. He must spell it out. It is not sufficient to ask, "Are you virtuous?" It is not enough to say, "Are you clean?" The bishop must put the question more directly: "Have you ever had sexual intercourse with a person of the opposite sex?" If the setting as heretofore suggested has been properly established, if there is the proper love and confidence between the parties, there need not be a sense of embar-

rassment by direct questioning. In the area of sexual morality there is no other way. Be sure they understand the terms used. Be alert to any moral deviation.

Caution suggests that you gear any discussions about sex to the age and comprehension level of the boy or girl you are interviewing. To be more specific, the interviewer with a young deacon regarding morality should not go beyond general questions. Stress the importance of avoiding vulgarity and profanity, but be extremely careful not to suggest practices that will tend to arouse curiosity and experimentation unduly.

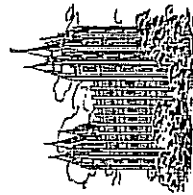
When a young person reaches the age of a teacher in the Aaronic Priesthood, discretion is still required; but your interview regarding his moral status can be more specific, teaching him to respect young ladies as he would expect others to respect his sisters. Again stress cleanliness of thought and also that he should not be engaged in any practices that tend to create unwholesome thoughts. If the maturity of the boy warrants, it is necessary to more directly teach that masturbation is not acceptable in the eyes of our Father in heaven and is not to be practiced by any person, especially one holding the priesthood of God.

Should he be a priest and his development has been normal, this is an opportunity to teach him that sex transgression is second

only to the shedding of innocent blood and that any form of sex perversion is a sin and undesirable in the eyes of the Lord. Tell him he must be clean and pure to receive the blessings of temple marriage and missionary service. In concluding any interview, invite each young person to feel free to come to you as bishop any time to discuss any problem he may have. Assure him that if it is important enough to concern him, it is important enough to discuss it with you, the bishop. Tell him of the power of the priesthood which the bishop holds to help him in his personal problems. These suggestions are equally applicable when interviewing girls.

Single adults may require special efforts to assist them in keeping church standards or in reporting any violation of church standards. Do not assume that married adults are immune to immorality. In such cases it is vital to make certain that any immorality does not infect and destroy family life. Interviewing a husband and wife together may prevent a disclosure that needs to occur.

2. *Preparing an Applicant for Temple Endowment*



It is the responsibility of a bishop to prepare those within his jurisdiction to be endowed with power and information from the Almighty God. Such preparation does not come by accident. It is the bishop's respon-

sibility to both counsel and interview all candidates. In counseling, the bishop is reminded that it is permissible to talk about the temple, its structure, the rooms, the ordinances, and all that the Church has officially published about the temple.

Do not assume that worthiness to enter the temple at one time is an excuse for a casual interview subsequently. In determining worthiness to go through the temple, make sure that careful interrogation has been made into all areas listed on the inside cover of the temple recommend book.

Summary

1. *Have purpose and objective clearly in mind.*
 - a. Obtain information.
 - b. Teach and give information.
 - c. Establish a closer relationship.
 - d. Determine worthiness for various church programs (temple recommend, priesthood advancement, mission, etc.).
 - e. Counsel regarding life's problems.
2. *Obtain best physical facilities available.*
 - a. Quiet.
 - b. Private, no interruptions.
 - c. Comfortable (temperature, furniture, lights, etc.).
3. *Arrange appointments and provide sufficient time.*
4. *Follow broad guides in interviewing.*
 - a. Put the person at ease.
 - b. Explain the purpose and objective of the interview.
 - c. Establish rapport and the proper "climate" before moving into emotional or intimate areas.

- d. Let him talk. Do not be afraid of silence while he is thinking. Listen to what he is saying and its implications.
- e. Observe his physical reactions which can be important clues as to how he feels (tense, nervous, angry, etc.).
- f. Inspire confidence by your attitude.
 - (1) Be humble and spiritual. (You need the Lord's help.)
 - (2) Remain calm and self-assured.
 - (3) Use soft, low tones and a controlled voice.
 - (4) Don't be shocked by or critical of what you hear.
 - (5) Be accepting of them as individuals and communicate this to them, even though you may not accept their actions.
 - (6) Don't word questions in such a way as to anticipate answers.
 - (7) Don't finish sentences or thoughts for them. You may guess wrong.
 - (8) Don't talk down or assume a self-righteous attitude.
 - (9) Don't be afraid of the interviewee's feelings and reactions.
5. *Keep the interview on the subject and to the point. Provide additional time later for other matters to be discussed.*

6. *When the objective is reached, terminate the interview, but not abruptly.*

- a. Pick up the papers on your desk, or
- b. Rise, or
- c. Make a movement as if to arise.
- d. Thank them for coming in.
- e. Make specific opportunities for further discussion.

7. *If appropriate, assure them of the confidential nature of information.*

8. *Consult your stake president on situations where you can do no more for a person and additional help is needed.*

Analyze the value of each interview and ask yourself how you can improve. List your answers. With all of your concentrated activities, provide sufficient time to keep in tune with the Lord. You will always be successful if you are guided by the Holy Ghost. Live in a way that brings this guidance. Do not neglect to develop a spiritual life.